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WJB-TV FT. PIERCE LIMITED PARTNERSHIP
8423 S. US #1
Port St. Lucie, FL 34985

APR 14 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

KENNETH E. HALL
General Manager

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April 14, 1993

VIA FEDERAL EXPRESS

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: MM Docket No: 92-260

Dear Ms. Searcy:

Enclosed for filing is a copy of the Response of WJB-TV Limited Partnership to the Petitions for Reconsideration which were submitted in response to MM Docket No. 92-260. The original and nine copies are being forwarded to you by overnight delivery.

Please acknowledge your receipt of this letter by file-stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed, stamped envelope.

If you have any questions or need additional information, please advise.

Very truly yours,

WJB-TV Limited Partnership

BY: Kenneth E. Hall
Kenneth E. Hall
General Manager

KEH/jpd
Enclosures

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APR 14 1993

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of the Cable)
Television Consumer Protection)
and Competition Act of 1992)

Cable Home Wiring)
_____)

MM Docket 92-260

RESPONSE OF WJB-TV LIMITED PARTNERSHIP

**Kenneth E. Hall
General Manager
8423 South U.S. #1
Port St. Lucia, FL 34985
(407) 871-1688**

April 14, 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
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Cable Home Wiring)
_____)

RESPONSE OF WJB-TV LIMITED PARTNERSHIP

WJB-TV Limited Partnership ("WJB"), pursuant to Section 1.106 of the Commission's rules, hereby files this response to the petitions for reconsideration¹ of the Commission's Report and Order in this proceeding (the "Order").

By now, it should be uncontroverted that one of the primary objectives of the Cable Television Consumer Protection and Competition Act of 1992 (the "Act") is to promote competition in the video marketplace. See Section 2(b) of the Act. Consistent with that objective, Section 16(d) of the Act required the Commission to "prescribe rules concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such

¹ The petitions were filed by the Wireless Cable Association International, Inc. ("WCA"), Liberty Cable Company, Inc. ("Liberty"), and Nynex Telephone Companies ("Nynex").

subscriber." The Order which adopted these rules was released on February 2, 1993.

The Order draws a logical distinction between subscribers in single-family residences and those in multiple dwelling units ("MDUs"). With respect to single-family residences, it recognizes that the homeowner may already have rights to the wiring under various theories of contract and property law. In other cases, it prohibits the operator from removing the wiring upon a voluntary

common point within the building to the unit; the length of the wire depends on the distance between the unit and the common point, but in virtually every instance, it is longer than twelve inches. This lay-out is diagrammed on the attached Exhibits.

Under a literal interpretation of the Order, an alternative provider in one of these MDUs would probably be required to re-wire the entire building. Although it could use that portion of each wire that begins twelve inches outside of the individual units, this option is simply not practical; the small section of available wiring does not reach the common point, and therefore is of little, if any, use to the provider.

As many commenters, including WJB, have previously pointed out, when an alternative provider must re-wire a building in order to provide service, it is placed at a tremendous competitive disadvantage. Many buildings were wired at construction and the wiring is concealed within walls, under floors, or in other inaccessible areas. To replace or, more specifically, to duplicate that wiring might require destruction of walls and floors and disruption to tenants, a situation that is

otherwise lay idle. Since the former provider cannot possibly use a wire that is connected only to a unit to which it does not provide service, the proposal should not be objectionable to any party, except those that seek to use the wiring issue as a stumbling block to competition.

For the foregoing reasons, WJB urges the Commission to amend its rules to adopt the clarification proposed above.

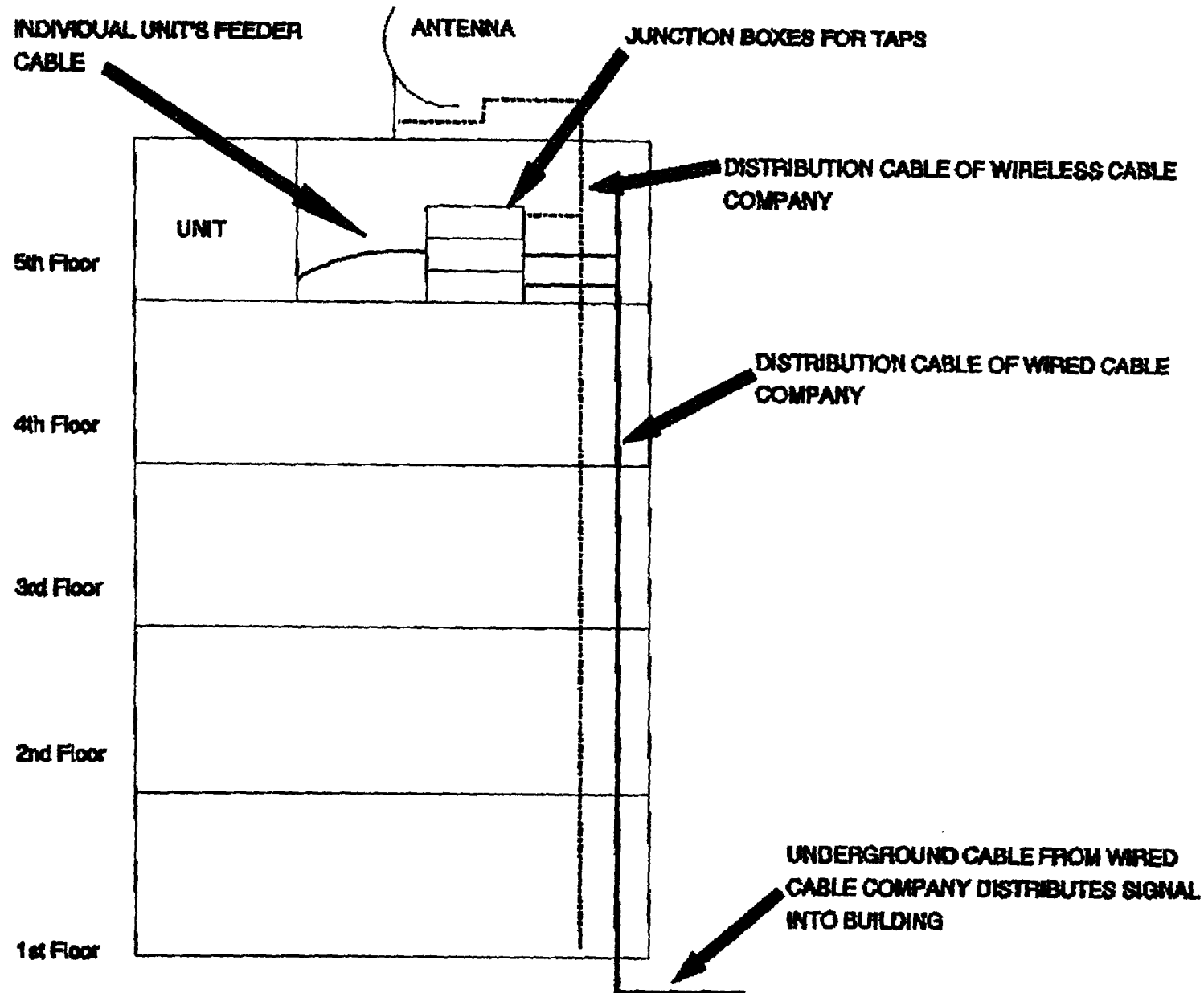
RESPECTFULLY SUBMITTED this 14th day of April, 1993.

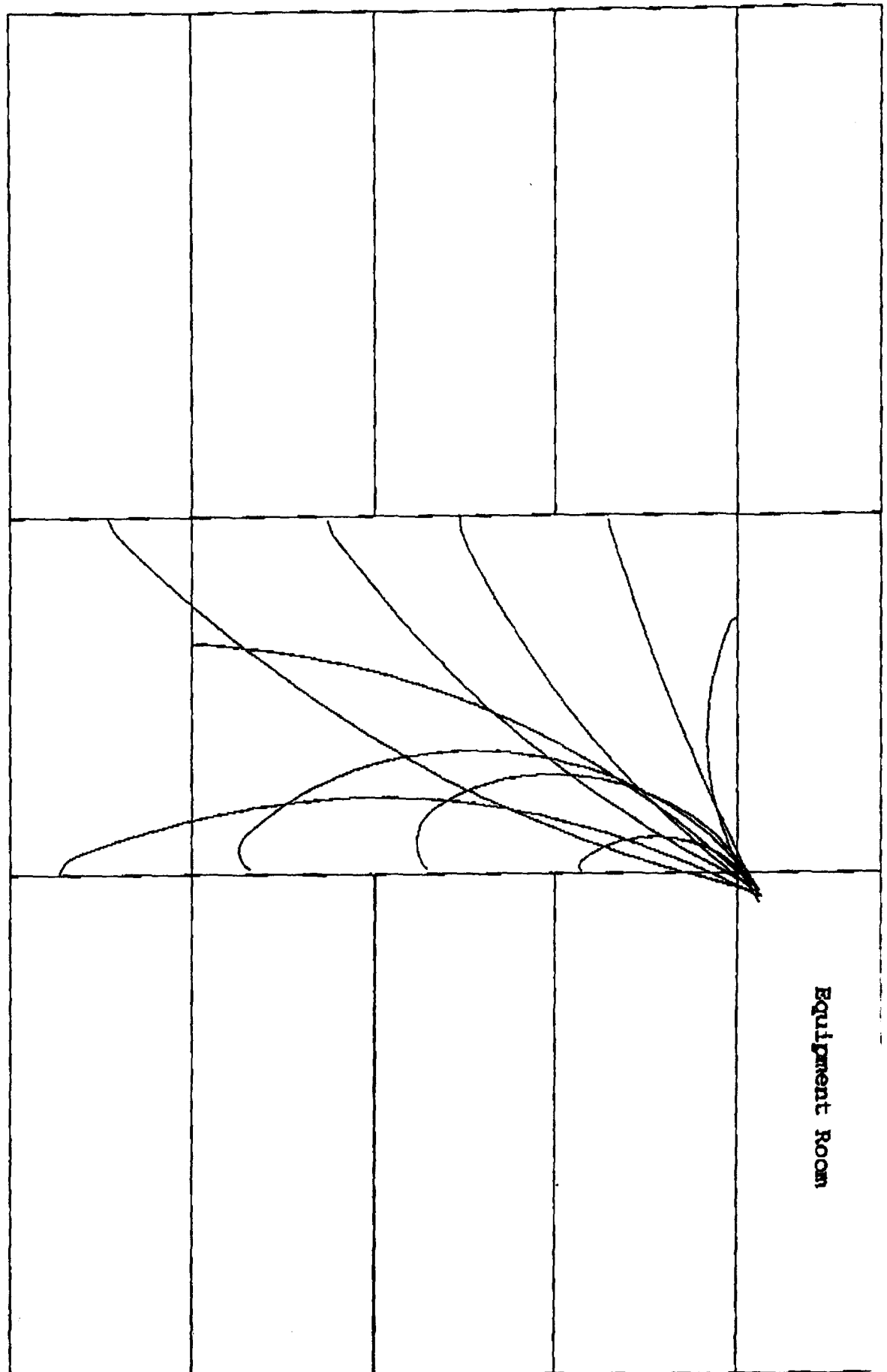
WJB-TV FT. PIERCE LIMITED PARTNERSHIP

BY: Kenneth E. Hall
Kenneth E. Hall
General Manager

KEH/jpd

EXAMPLES OF TYPICAL WIRING CONFIGURATION FOR MDU SERVED BY ALTERNATIVE CABLE SYSTEMS





CERTIFICATE OF SERVICE

I certify that copies of the foregoing RESPONSE OF WJB-TV LIMITED PARTNERSHIP were served on each of the parties listed on the attached Service List, this 14th day of April, 1993, by first class United States mail, postage prepaid.

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